

Unified Regulatory Plan of the Library of Virginia for State Fiscal Year 2023

Prepared October 11, 2022

Agency Summary – using the summaries provided in the VAC, provide a brief description of the agency and each board that is anticipated to undertake an action in the fiscal year.

The Library Board of the Library of Virginia (17VAC15. VAC Agency No. 15) is authorized to provide direction and establish policy for The Library of Virginia, which is the state library agency, the reference library at the seat of government, and the archival agency of the Commonwealth, and to make regulations for its governance and use. Code of Virginia, Title 42.1, Chapter 1, Article 1. The board is directed to establish guidelines for the management, preservation, and destruction of public records of the Commonwealth and its political subdivisions. Code of Virginia, Title 42.1, Chapter 7. It is authorized to prescribe standards of eligibility of local and regional public library systems to receive state aid and to allocate to such systems available state and federal funds. Code of Virginia, Title 42.1, Chapter 3. The board is authorized to establish qualifications required to hold a professional library position. Code of Virginia, Title 42.1, Chapter 1, Article 2. Any changes to the regulations for which the Library is responsible must be vetted with and approved by the Library Board. Therefore the regulatory actions taken by the Library of Virginia will focus on reviewing each regulation or guidance document for opportunities to clarify and to eliminate overly burdensome requirements.

Title of Proposed Regulatory Action or Guidance Document Requirements Which Must be Met By Libraries Serving a Population of Less than 5,000 in Order to Receive State Grants-in-Aid [17 VAC 15 - 90]	
Brief Overview In order to receive their state aid funding allocation each year, all public libraries in Virginia are currently required to submit a five-year plan, in addition to the charter or resolution under which they are organized, by-laws of the board of trustees, a list of trustees, an annual budget, and a written statement of policy covering such items as service, personnel, and maintenance of book collections and other materials. Smaller libraries, in particular, find it difficult to meet the five-year plan requirement due to limited staff and funds. The requirement will be reviewed and proposed changes will be vetted with the Library Board by the end of Fiscal Year 2023. Changes approved by Library Board will be pursued through the Virginia Regulatory process in Fiscal Year 2024.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input checked="" type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	Public libraries serving smaller populations often have difficulty meeting the reporting standards required to receive their allocation of state aid funding. The Library of Virginia would like to find easier, alternate ways for even the smallest library with limited staffing and funds to meet the reporting requirements to receive state aid.
Expected Date	June 2023

Title of Proposed Regulatory Action or Guidance Document Revise the specific evening and weekend service hours obligation to the Requirements Which Must Be Met in Order to Receive Grants-In-Aid [17 VAC 15 - 110] .

Brief Overview	
This standard establishes the requirements which must be met by libraries serving a population of more than 5,000 in order to qualify for state grants-in-aid. It currently mandates that service include three consecutive evening hours. The Library will review this provision to see if there is a way to allow for more discretion among the public libraries to arrange their hours over the course of a week to meet the specific needs and use patterns of their patrons. The requirement will be reviewed and proposed changes will be vetted with the Library Board by the end of Fiscal Year 2023. Changes approved by Library Board will be pursued through the Virginia Regulatory process in Fiscal Year 2024.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input checked="" type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	Revise requirement from “at least three consecutive evening hours” to a directive that allows the locality to define their evening and weekend hours based on the needs and use-patterns of their patrons.
Expected Date	June 2023

Title of Proposed Regulatory Action or Guidance Document	
Revise the requirement in the Regulations Governing the Destruction of Public Records Containing Social Security Numbers [17 VAC 15 - 120] requiring the presence of an agency witness in the certified destruction of records.	
Brief Overview	
The Regulations Governing the Destruction of Public Records Containing Social Security Numbers currently require an agency representative be on hand at the secure destruction of records containing privacy-protected information like social security numbers. This is redundant and, in some cases, unrealistic given that the entity retained to perform the secure destruction is already required to certify or provide written assurance of the destruction. The requirement will be reviewed and proposed changes will be vetted with the Library Board. Changes approved by Library Board will be pursued through the Virginia Regulatory process in Fiscal Year 2024.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input checked="" type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	Eliminating the requirement that an agency representative be present to witness the secure destruction of records containing privacy-protected information is redundant and overly burdensome. The requirement will be reviewed and proposed changes will be vetted with the Library Board by the end of Fiscal Year 2023. Changes approved by Library Board will be pursued through the Virginia Regulatory process in Fiscal Year 2024.
Expected Date	June 2023